

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JASON ALLEN TUCKER,)
Plaintiff,) Case No.
vs.) St. Louis City Circuit Court
LOGISTICARE SOLUTIONS, LLC,) Case No. 2022-CC00402
Defendants.) **JURY TRIAL DEMANDED**

NOTICE OF REMOVAL

Defendant LogistiCare Solutions, LLC, pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, files this Notice for the Removal of the above-entitled action to the United States District Court for the Eastern District of Missouri, Eastern Division, and for grounds therefore respectfully states:

A. Venue is proper in the United States District Court for the Eastern District of Missouri, Eastern Division

1. The above-entitled action, now pending in the St. Louis City, Missouri Circuit Court, is a civil action at law brought by Plaintiff, above-named, against Defendant to recover damages.

2. The incident alleged by Plaintiff has arisen within the jurisdiction or boundaries of the United States District Court, Eastern District of Missouri, Eastern Division.

3. Pursuant to 28 U.S.C. §1446(a), venue lies in the United States District Court for the Eastern District of Missouri, Eastern Division, because St. Louis City, Missouri is within the Eastern District of Missouri, Eastern Division.

B. The Procedural Requirements for Removal are Satisfied

4. The Complaint, which is attached hereto as part of Exhibit 1, was filed and served upon Defendant on March 3, 2020, and, therefore, the time for filing this Notice of Removal under 28 U.S.C. § 1446 has not yet expired.

5. Written notice of the filing of this Notice of Removal is being given to Plaintiff and a copy of this Notice of Removal is being filed with the St. Louis City Clerk of Court pursuant to 28 U.S.C. §1446(d).

6. A copy of all known process, pleadings and orders from the state case are attached collectively hereto as **Exhibit 1** in accordance with 28 U.S.C. §1446(a).

C. There is Diversity Among The Original Parties

7. This Court has original jurisdiction over this action pursuant to 28 U.S.C. §1332(a) and removal to this Court is proper pursuant to 28 U.S.C. §1441(b)(2) because Defendant is not a citizen of this State, and there is complete diversity of citizenship between all parties.

8. Plaintiff Jason Allen Tucker was, at the time of the commencement of this action, and has been ever since, an individual domiciled in St. Louis County, Missouri and is a citizen of Missouri.

9. Defendant LogistiCare Solutions, LLC is a Delaware limited liability company in good standing with its principal place of business in Atlanta, Georgia, at both the time of the commencement of this action and at the time of this removal. The Providence Service Corporation, a Delaware corporation with its principal place of business in Atlanta, Georgia, is the only member of LogistiCare Solutions, LLC. Therefore, Defendant LogistiCare Solutions, LLC is not a citizen of the state of Missouri.

D. The Amount in Controversy Exceeds \$75,000

10. Upon information and belief, the matter and amount in controversy in this action, exclusive of interest and costs, exceeds the sum or value of Seventy-Five Thousand Dollars (\$75,000.00) as required by 28 U.S.C. §1332(a), in that Plaintiff in his Petition, has alleged that Defendant allegedly caused serious, permanent, progressive and disabling injuries to Plaintiff and may have future medical expenses and lost wages.

WHEREFORE, Defendant LogistiCare Solutions, LLC prays that this Honorable Court enter an Order causing said Cause No. 2022-CC00139 of the St. Louis City, Missouri Circuit Court to be removed to this Court for further proceedings, and that this Court take jurisdiction herein, and make further orders as may be just and proper.

/s/ Kevin L. Fritz

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing was filed electronically with the Clerk of Court on March 20, 2020, to be served by operation of the Court's electronic filing system upon: Craig M. Ortwerth, Ortwerth Law, LLC, 1922 Chouteau Avenue, St. Louis, MO 63103, cortwerth@gatewayinjurylaw.com, Attorneys for Plaintiff.

/s/ Kevin L. Fritz
